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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,520	09/30/2003	Makoto Hosoya	P24055	1649
7055	7590	05/12/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HRUSKOCI, PETER A	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,520

Applicant(s)

HOSOYA, MAKOTO

Examiner

Peter A. Hruskoci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/842,378.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claims 1, 5, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 5, 9, and 13 "the purified rainwater" lacks clear antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3017741 Nishizawa et al. in view of Hellenbrand et al. 5,096,596. Nishizawa et al. disclose (see Abstract and Fig. 1) a method of utilizing rainwater falling on a building substantially as claimed. The claims differ from Nishizawa et al. by reciting that the rainwater is supplied to a purifier to carry out pH adjustment. Hellenbrand et al. disclose (see col. 2 line 43 through col. 3 line 45) that it is known in the art to utilize a pH adjusting agent in a filtering tank for purifying water. It would have been obvious to one skilled in the art to modify the method of Nishizawa et al. by carrying out the recite pH adjustment in view of the teachings of Hellenbrand et al., to aid in purifying the water.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3017741 Nishizawa et al. in view of Hellenbrand et al. 5,096,596 as above, and further in view of JP 04-007082 Masahiro et al.. The claims differ from the references as applied above by reciting that the sterilization is carried out using active oxygen produced by the decomposition of hydrogen peroxide. Masahiro et al. disclose (see Abstract) that it is known in the art to utilize

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hydrogen peroxide to produce active oxygen for sterilizing bacteria in contaminated water. It would have been obvious to one skilled in the art to modify the references as applied above by carrying out the recited sterilization in view of the teachings of JP 04-007082., to aid in sterilizing the water. With regard to claim 4, it would appear the ultraviolet rays, reducing agent, or activated carbon disclosed in Masahiro et al. would eliminate or decompose residual active oxygen as in the instant method.

Claims 5, 6, 9, 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3017741 Nishizawa et al. in view of Hellenbrand et al. 5,096,596 as above, and further in view of Elston 6,299,775. The claims differ from the references as applied above by reciting that the method includes specific steps of monitoring the upper and lower predetermined water levels in the storage tank. Elston disclose (see col. 3 line 24 through col. 4 line 18, and col. 10 line 31 through col. 12 line 24) that it is known in the art to utilize level sensors in a holding or storage tank to monitor a water recycling system including the collection of rainwater. It would have been obvious to one skilled in the art to modify the references as applied above by including the recited monitoring steps in view of the teachings of Elston, to aid in monitoring the water levels in the storage tank. With regard to claims 9 and 13, it is noted that Elston further teaches the addition of municipal water or tap water to the storage tank or cistern 40.

Claims 7, 8, 11, 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3017741 Nishizawa et al. in view of Hellenbrand et al. 5,096,596 and Elston as above, and further in view of JP 04-007082 Masahiro et al.. The claims differ from the references as applied above by reciting that the sterilization is carried out using active oxygen produced by the decomposition of hydrogen peroxide. Masahiro et al. disclose (see Abstract) that it is known in

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the art to utilize hydrogen peroxide to produce active oxygen for sterilizing bacteria in contaminated water. It would have been obvious to one skilled in the art to modify the references as applied above by carrying out the recited sterilization in view of the teachings of JP 04-007082., to aid in sterilizing the water. With regard to claim 4, it would appear the ultraviolet rays, reducing agent, or activated carbon disclosed in Masahiro et al. would eliminate or decompose residual active oxygen as in the instant method.

Claims 1, 5, 9, and 13 properly written to include a purifier comprising a filtering tank containing a pH adjusting agent, and a sterilization tank containing a primary reactive catalyst for producing active oxygen species, would be allowable.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

5/10/04